

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) 3:14-CR-050-MMD-(WGC)
)
 JAMES DAVID HARWIN,)
)
 Defendant.)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on January 29, 2015, defendant JAMES DAVID HARWIN pled guilty to Count Three of a Six-Count Indictment charging him with Transfer of a Firearm in Violation of the NFA in violation of Title 26, United States Code, Section 5812 and 5861(e). Indictment, ECF No. 13; Amended Plea Agreement, ECF No. 60; Change of Plea, ECF No. 61.

This Court finds defendant JAMES DAVID HARWIN agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Indictment. Indictment, ECF No. 13; Amended Plea Agreement, ECF No. 60; Change of Plea, ECF No. 61.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Indictment and the offense to which defendant JAMES DAVID HARWIN pled guilty.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c) and Title 26, United States Code, Section 5872 and Title 28, United States Code, Section 2461(c):

1. a Cobray/SWD pistol, Model M-11, 9mm caliber, with an obliterated serial number;
2. a Smith & Wesson revolver, Model Bodyguard, .380 caliber, bearing serial number KBK3790;
3. a Beretta pistol, Model BU9 Nano, 9mm caliber, bearing serial number NU106541;
4. a Heckler & Koch pistol, Model USP Elite, .45 caliber, bearing serial number 25-084373;
5. an unknown manufacturer machinegun, Model MAK-90, 7.62 x 39mm caliber, which had the serial number and other identification required by Chapter 53 of Title 26 obliterated;
6. an Olympic Arms, Model SGW CAR-AR, serial number Z7073;
7. a Sten 9 mm machinegun without a serial number;
8. a Street Sweeper shotgun, serial number 8069;
9. a Glock Model 19C with a machinegun conversion attachment, with an obliterated serial number;
10. and any and all ammunition

(all of which constitutes "property").

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of JAMES DAVID HARWIN in the aforementioned property is forfeited and is vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the time under

1 the applicable statute when a petition contesting the forfeiture must be filed, and state the name and
2 contact information for the government attorney to be served with the petition, pursuant to Fed. R. Crim.
3 P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity who
5 claims an interest in the aforementioned property must file a petition for a hearing to adjudicate the
6 validity of the petitioner's alleged interest in the property, which petition shall be signed by the petitioner
7 under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and Title 28, United
8 States Code, Section 1746, and shall set forth the nature and extent of the petitioner's right, title, or
9 interest in the forfeited property and any additional facts supporting the petitioner's petition and the relief
10 sought.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
12 with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South
13 Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the notice is sent or, if
14 direct notice was not sent, no later than sixty (60) days after the first day of the publication on the official
15 internet government forfeiture site, www.forfeiture.gov.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any, shall
17 be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the following
18 address at the time of filing:

19 Greg Addington
20 Assistant United States Attorney
21 100 West Liberty Street, Suite 600
22 Reno, NV 89501

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein need
2 not be published in the event a Declaration of Forfeiture is issued by the appropriate agency following
3 publication of notice of seizure and intent to administratively forfeit the above-described property.

4 DATED this 2nd day of February, 2015.

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8 UNITED STATES DISTRICT JUDGE
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